

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-3190
Qwest Corporation, Denver,)
Colorado, seeking approval of its) GRANTED
Special Business Escalation)
Agreement with MCImetro Access)
Transmission Services, LLC, Denver,) Entered: August 3, 2004
Colorado.

BEFORE THE COMMISSION:

On April 29, 2004, Qwest Corporation (Qwest) of Denver, Colorado, filed an application seeking approval of its Special Business Escalation Agreement with MCImetro Access Transmission Services, LLC (MCImetro) of Denver, Colorado. Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 12, 2004. No protests were filed; therefore, this application is processed pursuant to the Commission's rule of modified procedure.

O P I N I O N A N D F I N D I N G S

On February 20, 2004, Qwest and MCI Worldcom Network Services, Inc. and its affiliates (MCI) entered into a special business escalation agreement arrived at through voluntary negotiations. An executed copy of the agreement is contained within the application.

In the current application, Qwest seeks approval of the Special Business Escalation Agreement with MCImetro, a competitive local exchange carrier (CLEC) in Nebraska and affiliate of MCI. The Commission recognizes that Qwest will be posting this agreement to Qwest's website in order to allow CLECs in Nebraska to opt into the Section 252 terms of the Telecommunications Act of 1996 (the Act).

Section 252(e) of the Act requires this Commission to review negotiated interconnection agreements to ensure they comply with Sections 251 and 252(d) of the Act, as well as all applicable state laws. Using those standards, the agreement filed April 29, 2004, should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Special Business Escalation Agreement between Qwest Corporation and MCImetro Transmission Services, LLC, be, and it is hereby, approved.

IT IS FURTHER ORDERED that the executed Business Escalation Agreement filed herein be, and it is hereby, made the official copy on file with the Nebraska Public Service Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of August, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director